

September 19, 1955

Honorable J. Bracken Lee  
Governor of the State of Utah  
B u i l d i n g

Dear Governor Lee:

RE: RESTORATION PROCLAMATION - BEAR RIVER

Enclosed for your consideration please find a Restoration Proclamation which proposes to restore the right of the public to appropriate surplus and unappropriated water from all sources within the Bear River Drainage in Utah. This Restoration Proclamation and my recommendation thereon are made pursuant to Section 73-6-2 Utah Code Annotated, 1953. It is my opinion that the enclosed Restoration Proclamation will serve the best interests of the public; therefore, I recommend that the right of the public to appropriate the waters described therein be restored.

The original withdrawal proclamation temporarily suspending the right of the public to appropriate the waters described therein became effective on November 9, 1938, being approximately 17 years ago. On April 10, 1946, July 2, 1949 and June 13, 1950, partial restoration proclamations were issued restoring the right of the public to appropriate water from limited sources within the Bear River drainage and for limited uses. The foregoing restoration proclamations have raised several problems with regard to the present status of some of the water sources in the Bear River Drainage area.

It is my understanding that the purpose of the original withdrawal proclamation was to restrict further development of the river system by private interests until investigations of proposed reclamation projects could be completed by the United States Bureau of Reclamation. It appears that the purpose has since been accomplished and the need for the suspension no longer exists. I have been advised by the Attorney General that it might be difficult to sustain the original withdrawal proclamation since it is temporary in nature although it has been in effect for approximately 17 years.

It further appears that the commencement of negotiations for the Bear River compact influenced the making of the original withdrawal proclamation. It is noted, however, that neither the States of Idaho nor Wyoming has imposed similar restrictions on the users of water from the Bear River Drainage within those states. This fact alone presents a strong argument for the restoration of waters in the Bear River Drainage in Utah.

It appears further that there is a consistent demand from individuals and private enterprise for the right to file on the waters of the Bear River in order to develop the water resources of the area. We believe private enterprise should be encouraged in this regard by restoring the waters of the Bear River to appropriation.